

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

In re:

ERIC R. BAUER, fdba
BAUER CONSTRUCTION, and
ANGIE N. BAUER,

Case No. 09-32001
Chapter 7

Debtors,

THOMAS PETERSEN, KATHY PETERSEN,
WAYNE ROBINS, and DIANE ROBINS,

Plaintiffs,

v.

Adversary No. 09-3137

ERIC R. BAUER and ANGIE N. BAUER,

Defendants.

ANSWER TO ADVERSARY COMPLAINT

Defendant ANGIE N. BAUER, by and through her attorney ANN MOSTOLLER reserves her Answer to this Complaint at this time due to Motions she has or will shortly be filing under Federal Rule of Bankruptcy Procedure 7012 incorporating Federal Rule of Civil Procedure 12. Defendant ERIC R. BAUER, by and through his attorney, ANN MOSTOLLER, answers the Complaint in this matter as follows:

1. The allegations contained in Paragraph 1 of the Complaint are admitted.
2. The allegations contained in Paragraph 2 of the Complaint are admitted.
3. The allegations contained in Paragraph 3 of the Complaint are admitted.
4. The allegations contained in Paragraph 4 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.
5. The allegations contained in Paragraph 5 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these

allegations.

6. The allegations contained in Paragraph 6 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

7. The allegations contained in Paragraph 7 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

8. The allegations contained in Paragraph 8 of the Complaint are admitted with regard to Defendant Eric R. Bauer only.

9. The allegations contained in Paragraph 9 of the Complaint are admitted.

10. The allegations contained in Paragraph 10 of the Complaint are admitted.

11. The allegations contained in Paragraph 11 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations. However, Defendant denies that misrepresentations were made to Plaintiffs.

12. The allegations contained in Paragraph 12 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

13. The allegations contained in Paragraph 13 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

14. The allegations contained in Paragraph 14 of the Complaint are denied.

15. The allegations contained in Paragraph 15 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

16. The allegations contained in Paragraph 16 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

17. The allegations contained in Paragraph 17 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these

allegations. However, Defendant denies the allegations regarding representations to the Plaintiffs concerning identity theft.

18. The allegations contained in Paragraph 18 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

19. The allegations contained in Paragraph 19 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

20. The allegations contained in Paragraph 20 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations. However, Defendant denies the allegations that misrepresentations or mischaracterizations were made by him.

21. The allegations contained in Paragraph 21 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

22. The allegations contained in Paragraph 22 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

23. The allegations contained in Paragraph 23 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

24. The allegations contained in Paragraph 24 of the Complaint are neither admitted nor denied; Defendant leaves Plaintiffs to their proofs with regard to these allegations.

25. The allegations contained in Paragraph 25 of the Complaint are admitted only with regard to Defendant Angie N. Bauer's very limited accounting duties in connection with the construction business; the remainder of the allegations contained in Paragraph 25 of the Complaint are denied.

26. The allegations contained in Paragraph 26 of the Complaint are denied.

27. The allegations contained in Paragraph 27 of the Complaint are denied.

28. The allegations contained in Paragraph 28 of the Complaint are denied.

WHEREFORE, Defendant prays Plaintiffs' Adversary Complaint be dismissed with prejudice and that costs so wrongfully incurred in defending this action be reimbursed to him.

Respectfully Submitted,

/s/ Ann Mostoller

Ann Mostoller, #001146

Attorney for Debtors-Defendants

Mostoller, Stulberg, Whitfield & Allen

136 S. Illinois Avenue, Suite 104

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(865) 482-4466

CERTIFICATE

I certify that a true and complete copy of the foregoing Answer to Complaint has been delivered electronically to W. Grey Steed, Chapter 7 Trustee, WGS6794@aol.com and upon F. Scott Milligan, fsm@littleandmilligan.com, attorney for Plaintiffs on this 23rd day of December, 2009.

/s/ Ann Mostoller

Attorney for Debtors-Defendants